

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 21 October 2021

Public Authority: Health and Safety Executive
Address: Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-93291-D4R0, for a decision whether a request for information made, by the complainant, to the HSE, on a date prior to 21 January 2021 (and assigned the reference number 2021011923), has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. This complaint is one of three complaints received by the Commissioner, from the same complainant, about the HSE. Given that all three requests were responded to around the same time and concern the same subject matter, the Commissioner considered that it would be more efficient for all three complaints to be dealt with simultaneously. The HSE has not object to this approach.
3. Individual letters concerning each request were sent on 16 August, 17 August and 18 August 2021 respectively, allowing the HSE 20 working days in which to respond. The HSE acknowledged this correspondence.
4. When no responses were forthcoming, the Commissioner chased the HSE to either provide its submissions or to lay out a reasonable timetable for them to be provided. The HSE issued a holding response but no substantive response.
5. After a further chaser, the HSE indicated on 7 October that it hoped to provide a submission by 15 October, but it was not clear as to whether that submission would cover all three complaints or just one.
6. At the date of this notice, the Commissioner has not received any submissions from the HSE whatsoever and there is no indication of when these submissions might be forthcoming.
7. Whilst the Commissioner is aware that the Covid-19 pandemic has placed the HSE under considerable strain, she is under an obligation to investigate each complaint and issue a decision. Until recently instigated by the Commissioner there has been a lack of engagement from the HSE.

Information required

8. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the HSE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
- Copies of any and all information being withheld
 - A substantive response to the Commissioner's letter of 17 August 2021

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF